

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 9  
04-10751

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STACEY STANTON

Plaintiff

v.

METRO CORP.,

Defendant

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

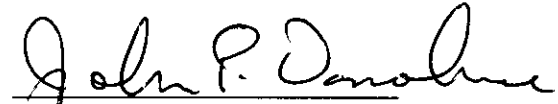
The plaintiff, Stacey Stanton, respectfully requests that the Court deny the Defendant's Motion to Dismiss as the Plaintiff's two count Amended Complaint has set forth claims upon which relief can and should be granted.

Accepting (as the Court must) the well pleaded and specific allegations of the Plaintiff's Amended Complaint as true, and drawing all inferences therefrom in favor of the Plaintiff, the Defendant's motion should be denied. By placing the Plaintiff's photograph as the centerfold of the Defendant's article on teenage promiscuity, the Plaintiff has been defamed by the Defendant. By making the Plaintiff a poster girl for modern youthful sexual indiscretion, the Defendant has violated the Plaintiff's right against unreasonable, substantial and serious interference with her privacy in violation of M.G.L. Ch. 214, Section 1B.

At this stage, it is by no means "clear that no relief could be granted under any set of facts that could be proved consistent with the allegations," and therefore, the Defendant's Motion to Dismiss must be denied. See Hishon v. King and Spaulding, 467 U.S. 69, 73 (1984).

Please see the Plaintiff's Memorandum of Law attached hereto.

Respectfully submitted,  
The Plaintiff, Stacey Stanton  
By Her Attorney:

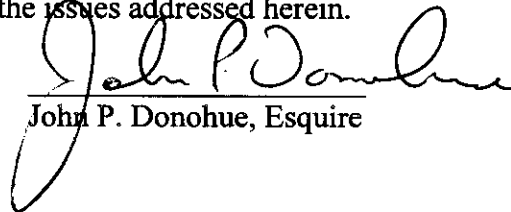


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Dated: July 20, 2004

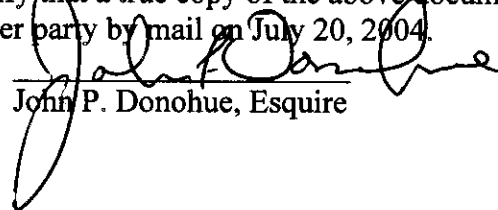
Local Rule 7.1(A)(2) Certificate

I, John P. Donohue, counsel for the plaintiff, hereby certify in accordance with Local Rule 7.1(A)(2) that I have conferred with plaintiff's counsel about the subject of this motion and have attempted in good faith to resolve or narrow the issues addressed herein.

  
John P. Donohue, Esquire

CERTIFICATE OF SERVICE

I, John P. Donohue, Esquire, do hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on July 20, 2004.

  
John P. Donohue, Esquire